THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 18302 of 2006

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed challenging the order dated 10.2.2006 passed by the A.P. Administrative Tribunal in O.A. No. 4405 of 2004.

Heard the learned counsel for the parties and perused the material available on record.

It is the case of the petitioner that he is working as Sample Taker and though he possesses the qualification of B.Sc. degree with Chemistry and Sanitary Inspector Training course, he is not considered for promotion to the post of Junior Analyst. It is his further case that respondents 4, 5 and 6 who possessed the same qualification like petitioner were considered for promotion but he was ignored.

The 2nd respondent herein filed counter before the Tribunal wherein, inter alia, it is stated that the applicant was appointed under direct recruitment as Sample Taker on 17.2.1994 in view of possessing B.Sc., Degree with Chemistry and Sanitary Inspector Training course, which is the minimum required qualification for the said post. The Government have issued Special Rules in G.O.Ms.No.459 HM & FW (L1) Department dated 8.9.1994 read with G.O.Ms.No. 186 HM&FW (L1) Department dated 8.4.1995 for the post of Junior Analyst and the qualification prescribed for the post is that a person must have passed M.Sc. Degree in

Chemistry/Biochemistry/Microbiology/Food Technology Life Sciences (Botony, Zoology and Allied Scienes) Food and Drugs Public Health of a recognized University for direct recruitment and the qualification for the candidates by promotion is that one must possess B.Sc. Degree with Chemistry as one of the subject and Lab Technician Training course certificate of any recognized institution by the Government of Andhra Pradesh. The said counter further reveals that the method of appointment for the post of Junior Analyst is at the ratio of 2:1 for promotion and direct recruitment respectively and that the promotion posts have already been filled on 6.2.1999 and the present post being the third vacant post of Junior Analyst, it has to be filled by Direct Recruitment candidate only and not by promotion by transfer/promotion from among the departmental candidates. It is further stated that the petitioner has not undergone Lab Technician training which is one of the prescribed qualification for promotion to the post of Junior Analyst.

It is a fact that the petitioner does not possess the Lab Technician Training Course certificate, which is a pre-requisite qualification to be promoted to the post of Junior Analyst. No material is placed before this Court to show that he possesses the said requisite qualification. The order of the Tribunal goes to show that the respondents have submitted that no junior to the petitioner – applicant is promoted to the post of Junior Analyst and the promotions are ordered in accordance with the rules strictly, as per seniority. Further, the counter filed before the Tribunal discloses that the vacancy which arose has to be filled up by direct recruitment whereas the petitioner is an in-service candidate. As the petitioner does not possess the requisite qualification as per the Special Rules to be promoted as Junior Analyst, the Tribunal rightly dismissed the

O.A., and this Court does not find any error or infirmity in the order passed by the Tribunal warranting interference of this Court.

We find no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 31-07-2007.

Note:
C.C. in one week.
(BO)
MVB.